

VERMONT ENVIRONMENTAL REPORT

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RECREATION PLAN BASED ON VERMONTERS' WISHES

Satisfying the needs of Vermonters, rather than competing with other states in building facilities, gets primary emphasis in the new version of the State Comprehensive Outdoor Recreation Plan.

The plan draws on a survey of the patterns and preferences for recreation expressed by Vermont residents, says Forest B. Orr, director of planning for the Agency of Environmental Conservation. The first state recreation plan, prepared in the mid-sixties, was based on regional demand because those were the only figures available. The recent survey shows that Vermonters rate fishing and hunting higher than swimming. And over 20% of Vermonters ski while only 2% of the regional population does. Generally, Vermonters have a different "land ethic", Orr concludes. They are used to open space and won't tolerate a Jones Beach situation in state parks.

Although recreation plans must be prepared every five years to ensure state eligibility for federal funds, the Vermont Plan was also written as a guide to state recreation policy for private citizens and all levels of government. Among the policies listed are:

- A request to build a new ski area or expand an existing one on public land will be looked at as a complex land policy decision requiring long-range, comprehensive planning, including the effect of possible related development of second homes and commercial areas.
- Activities which have the least impact on the environment will be favored, while motorpowered recreation, such as all terrain vehicles and powerboats, will be discouraged, at least until more is known about its effects. Some smaller lakes may be designated for single uses.
- More trails will be encouraged in both urban and rural areas.
- Dams on major rivers will not be endorsed unless there is significant public benefit to Vermonters. Dams diverting public waters on smaller streams will be discouraged unless there is reasonable public benefit and public access has been studied.
- Where feasible, acquisition funds will be used for easements or development rights rather than buying land outright.

GOING UNDERGROUND
WITH POWER LINES

The acceleration of growth in Vermont has meant a greater demand for power. Electrical power is carried above ground in the form of transmission and distribution lines. These lines are highly visible and, as they become more numerous, have a harmful effect on the surrounding landscape causing the view from roads, and in many cases homes, to be seen through a screen of wire.

Many people have asked why electrical lines cannot be put underground. The power companies have answered that they can underground lines but at a price the average power consumer is probably not willing to bear.

Mr. Gordon Stensrud, chief engineer for the Vermont Public Service Board said we are fortunate that telephone lines, which add to the density of what we see strung between poles, are being buried more frequently. Because of the relative low voltage of telephone lines, trenching does not have to be as deep and the insulation required is less expensive. Because much of Vermont is ledge, the cost of trenching to bury power lines is more expensive than in states where the soil is deeper and ledge more infrequent. For lines carrying 115,000 volts, the cost of burying would be about five times the cost of going above ground, while lower powered distribution lines would cost about three times the above ground cost.

Aside from nearly prohibitive cost, another disadvantage for the power companies and the public in buried lines is that an underground "outage" has to be traced on foot with a special detecting instrument whereas an "outage" above ground can generally be spotted while travelling in a vehicle at twenty miles per hour. Once the damage is spotted above ground, it can be repaired in a matter of minutes by using a clamp where the break occurs. Once damage underground is located, it takes two to eight hours to execute a repair because the line has to be dug up and spliced. It is true that buried lines are more immune to damage than overhead lines, the latter being subject to trees, ice damage, cars, and cranes. However, buried lines can burn out, break from a weakness in material, or be dug up by construction equipment.

Although the prospect for the undergrounding of lines in Vermont is discouraging, the Public Service Board has new powers to help protect the environment. All routes for new transmission lines and substations must be certified prior to the beginning of site preparation. Act 250 requires that a permit be granted for construction of distribution lines over 2200 feet in length. The Board also employs a landscape architect to review routes and determine their effect on the environment.

If we are to protect our scenic roads and retain the character of our landscape, a way must be found to go underground with power at a cost that is not prohibitive. Innovation may save the day, but in the meantime the lines proliferate as the demand for power grows.

LEGISLATIVE LOG

For details on bills and previous action see earlier reports.

BILLS SIGNED BY GOVERNOR...
NUMBER

- | | |
|-------|---|
| H-107 | Redefines the boundaries of the ecological area in the Camels Hump Forest Reserve. |
| S-94 | Amends state limitations on awards for water pollution abatement to allow increased federal assistance. |

BILLS PASSED BOTH HOUSE AND SENATE

- | | |
|------|---|
| H-39 | Appeals to planning commissions. |
| S-4 | Administrative district for Addison County. |

BILLS PASSED HOUSE
IN SENATE

- | | | <u>COMMITTEE</u> |
|-------|---|------------------|
| H-155 | Governor's Tax Relief Plan. | Finance |
| H-241 | Spillage of oil and other hazardous substances. | Nat. Res. |
| H-326 | Land Capability and Development Plan. | Judiciary |

BILLS PASSED SENATE
IN HOUSE

- | | | |
|-------|---|-------------|
| S-1 | Unorganized towns and gores. | Gov't Oper. |
| S-36 | Permits small directional signs. | Nat. Res. |
| S-45 | Camp lot leases on state-owned land. | Approp. |
| S-49 | Establishes bicycle routes. | Highways |
| S-69 | Acquisition of utility corridors. | Highways |
| S-84 | Rest areas and traffic control signs. | Highways |
| S-99 | Authorizes statewide recycling program. | Nat. Res. |
| S-123 | Amends the state's water pollution control laws to conform with the Federal Water Pollution Control Act Amendments of 1972. | Gov't Oper. |

ENVIRONMENTAL GROUPS INTERVENE

IN DAM LICENSE RENEWAL HEARINGS

Three environmental groups have been granted permission to intervene in Federal Power Commission license renewal hearings involving four hydroelectric power dams on the Connecticut River. The petitioners include For Land's Sake, an organization based in East Thetford which represents a number of landowners along the river, as well as other users. The Vermont Public Interest Research Group is one of five supporting groups.

The groups believe that production of electric power should not be the only use considered at the license hearings from the dams at Turners Falls, Vernon, Bellows Falls, and Wilder. They want fish passages built at each dam and standards for minimum flow of water set to assure the success of the Connecticut River Fishery Program and improve water quality. They also want measures taken to control erosion caused by the way the hydroelectric projects are operated to meet peak demands.

GREEN-UP GROWS UP

Green-Up Day is expanding into Environmonth this year. Governor Salmon and Environmental Secretary Johnson will kick off the program April 28. Road litter clean-up, the purpose of the original Green-Up Day, will still be a part if communities wish. May 5 is the day in southern counties and May 19 in northern ones.

The program will be broadened to encourage other local projects such as starting recycling centers, setting up bicycle routes and parking areas, and planning action to acquire open space for recreation or conservation purposes.

EARTHKEEPING SERIES

ON EDUCATIONAL T.V.

On April 23, from 2-2:30, the Vermont Educational Television High School Learning Blocks will present "Earthkeeping", a preview of the series of programs on the human environment which will also be broadcast at 6:00 p.m. on Thursdays, beginning May 3 and 8:30 p.m. on Fridays, beginning May 4, on your Vermont Educational Television network. The weekly programs will run through June 8.

FORD FOUNDATION PROJECT ENDS

The Ford Foundation grant to the Vermont Natural Resources Council which established the EPIC project terminates this month. Under the two year grant EPIC has undertaken a number of informational and research activities:

- A random state-wide survey by the Becker Research Corp. revealed broad support for environmental protection and planning, as highlighted in "Vermonters on Vermont."
- The slide-sound presentation "...So Goes Vermont" has been seen live by more than 15,000 Vermonters and during six commercial television exposures by an estimated 100,000 more.
- Advertisements urging Vermonters to attend public hearings on the Act 250 plans were aired on radio and television.
- A display explaining Vermont's planning process was shown at the 1972 county fairs.
- Thousands of booklets and pamphlets informing Vermonters about their environmental legislation have been distributed.
- EPIC has sponsored studies and conferences on topics ranging from water quality to governmental reorganization.
- The Vermont Environmental Report, with a current monthly circulation of 3,500 was established.

Art Ristau, now Director of State Planning, directed the project. He was assisted by a steering committee representing the VNRC Board, which included Peg Garland, Jonathan Brownell, Leonard Wilson, and William Cowles.

EPIC continues an in depth study of citizen participation under a National Science Foundation grant.

VIEWPOINTS VI How Do Local, Regional, and State Planning Fit Together?

ACT 250 - IN REALITY LOCAL CONTROL?

by Arthur Ristau, Director of the State Planning Office

When the Vermont Legislature passed Act 250 three years ago, it was an acknowledgment that many of the critical effects of development were not confined to the boundaries of a single town. And this remains true today, irrespective of whatever local zoning and subdivision regulations are in effect.

Examples of this type of problem abound. Let's look at a simple one. Suppose a small Vermont community is identified by a national concern as the potential site for a new plant. The community is obviously anxious to acquire the plant but, like many small Vermont towns, it does not have the housing, educational, or sewer and water capabilities necessary to meet the demands of the firm's employees. The traditional answer, of course, was to scatter the new persons employed by the company among neighboring communities. But is this fair? Is it reasonable to ask abutting towns to assume an adjoining community's cost of doing business -- such as new schools, roads, and additional police and fire protection -- particularly when these towns obtain none of the tax gravy from the industry?

A Wilmington selectman put the problem to me recently in rather compelling fashion. "Dover (a neighboring town) gets all the tax revenue from the Mount Snow (ski) development. But we get all the headaches."

It seemed clear three years ago, and seems increasingly valid today then to suggest that many developmental issues transcend merely local concerns and that it is altogether proper for neighboring communities, planning commissions and other groups representing public interests to participate in the Act 250 permit process as concerned parties. This is the basis for the developmental regulation concept of Act 250. I would argue that it is not state control, but in reality, local -- and to some degree regional -- control.

The philosophy of Act 250 is that towns, through zoning and subdivision regulations, can and should control their routine growth. They can generally attract as much or as little development as they see fit providing they plan for it and do not force neighboring communities to absorb some of the costs associated with this development. Under Act 250, towns with zoning and subdivision regulations are not affected by developmental or commercial applications unless the project proposed is more than ten acres. In towns without these regulatory mechanisms, developments of more than one acre must be reviewed.

Clearly Act 250 offers an inducement to our cities and towns to get their own houses in order and to regulate most development locally. Many of our communities have responded to this challenge, but many haven't. In the Northeast Kingdom for example, the area conceded to be the target for the next generation of large second home developments which have traditionally followed the pattern of the interstate, there are 55 cities and towns. As of this writing, only one of these communities had zoning, and the Northeast Kingdom is that part of the state where the cry of "We want local control" seems to be most vehement.

Another major difficulty is that zoning and subdivision regulations are routinely utilized in towns where developmental pressures have often subsided because most of the available land has been pre-empted. But it is in the smaller communities, often without such codes, where most of the future developmental options exist and where new growth, especially recreation-related growth, is apt to be concentrated. This type of development has often impacted upon several contiguous communities, and it is here where Act 250 has proven a useful tool -- particularly to local selectmen.

Complaints abound concerning a small community's inability to cope with large-scale developments. They are heard from Wilmington in the southeast to Westford in the northwest. We are told that despite the requirements posed by the Act 250 permit procedure,

many communities are still unable to manage adequately the traumatic influx of new residents which often accompanies the approval of a development application.

Most developers can meet the technical requirements of Act 250 -- sewer, water, soils, highways, etc. -- but the law does not now address such issues as the rate and scale of development related to what pace of growth the town can reasonably afford and absorb. These questions are contemplated in the proposed Capability and Development Plan now before the General Assembly and will be the subject of further refinement in the proposed Land Use Plan. But they also should be heeded in town and regional plans, particularly plans pertaining to capital budgeting.

Finally, I think the extent of local control which Act 250 does incorporate is too frequently overlooked. Many people, particularly critics of the law, disregard the fact that it is decentralized and citizen administered. Responsibility for implementing the law's permit system is largely carried out through eight district environmental commissions. The state Environmental Board is involved only when district commission decisions are appealed. When the Capability and Development and Land Use Plans are adopted they will be administered by our regional planning commissions and our city, town, and village governments.

Contrast this, for example, with Maine's development regulation program conducted under the state's Site Selection Law. This statute is administered solely by a state commission and there is no mechanism for regional or local decision making. The Maine law is often spoken of as being most similar to Act 250. It isn't, of course, because the essential factors of decentralization and citizen participation are absent.

In summary, Act 250 gives Vermont communities an inducement to manage their growth through planning, zoning and subdivision regulations. It also provides a mechanism for the expression of concern by all of the people of Vermont where development extends beyond local considerations -- such as the siting of transmission lines, the protection of scenic and historic sites, the management of floodplains and the control of uses at higher altitudes and within other fragile environments.

Vermont's citizen-oriented approach to developmental regulation is in the best traditions of our state. It fosters participation in the decision making process and encourages those decisions to be made at the level of government closest to the segment of the public most affected.

Local control? We need it, desperately. To date, 116 of our towns have zoning regulations and 42 of these have subdivision codes. More than half of Vermont's towns have adopted local plans. When all of our communities have decided for themselves to take these basic steps, Act 250 can and will be used only for the major purpose originally intended -- to regulate those commercial and industrial developments which are so large that they impact on more than one town.

No one wants to divest our Vermont towns of their authority or responsibility. But it must be acknowledged that many towns have not used the tools available to them to regulate their growth. Local control is first an expression of local responsibility. Until more Vermont towns have assumed that responsibility -- and assistance in that capacity is a top priority of the Salmon Administration -- Act 250 remains a valuable first line of defense against development which will force our towns to grow faster than our taxpayers can reasonably afford.

ARE REGIONAL PLANNING COMMISSIONS NECESSARY?

By John G. Simson, Executive Director of the Bennington Regional Planning Commission

Why are regional planning and development commissions necessary? The State of Vermont and its 246 towns got along without them for 175 years. In fiscal year 1973, however, local, state and federal funds amounting to \$633,000 will be spent by the 13

regional commissions in Vermont. As of January 1, 1973, 197 towns are active members of commissions. Ninety percent of Vermont's population resides in these towns. After briefly explaining the mechanics of regional commissions, I will cite some examples of what they have done lately and what they will do in the future. Hopefully, it will become clear that regional commissions are necessary.

The Vermont Planning and Development Act of 1968 enabled the formation of regional commissions by five or more adjoining towns. Regional commissions were formed by people in towns voting to join at Town Meeting or through the action of selectmen or city councils. Commission members (representatives) are appointed by the local legislative body. The commission membership hires the staff. Together, the commission and staff select tasks to be performed and prepare a budget.

Funds to operate the commissions come from various sources. The appropriations by the member towns, through a line item in the town budget or through the Town Meeting, form the funding base. This "local share" makes up 20 to 30% of a regional commission's budget. In some cases private gifts and donations may add to the local share. The remainder of the operating funds come from the State and from the U.S. Department of Housing and Urban Development allocated by the Vermont Agency of Development and Community Affairs.

Thus, in three ways, regional commissions are local government entities. Their initial decision to join together; the appointment of commission members; and the funding base. The programs and services undertaken have a decidedly local flavor as well.

Regional commissions have provided the professional expertise necessary to bring about adoption of town plans and zoning by-laws in a majority of Vermont towns. Typically, the regional commission-town planning commission relationship goes like this: The regional commission has prepared a draft town plan, a town plan map and a model zoning by-law. The town planning commission and regional commission staff or employed consultant meet many times to pick apart the drafts. Eventually the town planning commission is satisfied and warns a public hearing. The selectmen receive the plan or by-laws, hold a hearing of their own and adopt. In the case of rural towns, by-laws must be adopted by town vote.

Regional commissioners and staff also assist towns with local financial management and planning in such areas as solid waste disposal and municipal recreation. Although President Nixon's recent funding moratorium and abolition of some federal programs may cause a decline in "grantsmanship" activities, some regional commissions have been very successful in bringing federal dollars into Vermont in the past.

Formal inter-town cooperation, foreseen by early proponents of regional commissions as a significant by-product of regional planning, has thus far been insignificant. The desire for local autonomy and the absence of crisis level problems seem to have placed this aspect of "regionalism" on a back burner.

Governor Davis often spoke of striking a "balance" between the environment and the economy. The regional commissions have had to pursue this type of "balance" as a working policy. While local officials were talking zoning, the Legislature adopted Act 250 and suddenly the public was overwhelmed with environmental awareness and regulations. Environmentalists looked on regional commissions as allies and spokesmen, while at the same time the Agency of Development and Community Affairs was making substantial "economic development" grants to the commissions, and the high statewide unemployment demanded action.

The Bennington County Regional Commission bases its activities on the regional and town plans. Economic development in the form of industry, commercial enterprise and housing is encouraged on sites designated in the plans and discouraged elsewhere. Designation is based on the physical capability of the land, availability of municipal services including roads and settlement patterns, and, most important, the expressed desires of the people regarding how their town should develop.

Implementation of any plan depends to a great degree on private impetus. Of course, governments, by building or extending water systems, sewers and roads can exert considerable pressure to channel growth according to plan. However, in most communities, municipal services are provided to alleviate a problem brought on by development.

In general, development occurs when three elements are brought together by an individual or corporation: An idea, land and money. With so many towns in the state preparing and adopting town plans and zoning ordinances, a man with an idea and money must find not only land that is for sale but also land that may receive a development permit from the municipality and most likely the state as well. If he follows the municipal plan and chooses a designated site, he will have little problem with the permits. Most commissions, with their member towns, will help developers select a site, design the project, and understand state regulations.

The sections of the State Land Capability and Development Plan dealing with land capability and Vermont's natural resources use the same criteria and designations as the well-researched and prepared regional and town plans. There should be few problems of compatibility between state and most regional and local plans because they all say the same thing.

However, those sections of the Capability and Development Plan dealing with development contain a considerable challenge to regional and local planning commissions. Regional plans and town plans presently consider two factors in designating areas for future development: 1) Land capability in terms of soil, slope, proximity to water and 2) the existing road system and settlement patterns. However, if all lands shown on plan maps as suitable for development were developed, at a pace and scale determined exclusively by the marketplace, the social fabric of the town could be destroyed by municipal costs, high taxes, crime and simply accelerated change.

Therefore, following the policies and criteria of the Capability and Development Plan, it is important that town and regional plans include specific expressions of intent concerning the quality of life the citizens wish to retain or to achieve. Specific limitations on the magnitude and rate of growth should be incorporated in local plans.

The Capability and Development Plan will be extremely helpful in adding this concept to local plans. One of the most important contributions regional commissions can make in the next two years is to work with every member town and with the region as a whole to establish desired growth rates, determine what economic activity is required to provide a "balance of trade" between imported and exported dollars, and develop methods of forecasting the impact of development on the local tax burden and the ability of the town to provide services efficiently and economically.

QUESTIONNAIRE ON PLANNING

1. Do you agree with John Simson that town plans and zoning ordinances do not prevent development, but rather indicate where different kinds of development may take place?
Yes No Don't Know
2. Do you agree with Arthur Ristau that neighboring towns should have a say in considering whether a major industry or development should be located in your town?
Yes No Don't Know
3. Do you agree with Arthur Ristau and John Simson that the Land Capability and Development Plan is important because it encourages towns to decide on the size and kinds of development they want, considering what they can afford?
Yes No Don't Know
4. How fast do you want your town to grow in the next ten years?
 - a. double its size, or more _____
 - b. grow by half its size _____
 - c. grow only slightly _____
 - d. no growth _____
 - e. decrease _____

Please send completed questionnaire to EPIC,
26 State Street Montpelier, Vermont 05602.

VNRC REAFFIRMS PROGRAM GOALS
AND ADOPTS 1973 BUDGET

The Board of Directors of the Vermont Natural Resources Council has adopted a set of program goals for the coming year which emphasizes involvement in environmental policy formation, environmental education and serving its membership including coordinating activities of the Council's member organizations. The board wants the Council to continue to seek financial support for research studies which will assist the state in adopting policies and practices that will protect the environment and conserve Vermont's natural resources.

To accomplish this an informed public is required and therefore environmental education, including the publication of the Vermont Environmental Report will continue to absorb the energies of the Council. Since foundation funding of the Report will terminate in April, the board has determined that the Vermont Environmental Report should be offered to its member organizations on a bulk-subscription basis at cost. Thus, we must terminate the practice of providing free copies for the mailing lists of Vermont League of Cities and Towns, Vermont Tomorrow, and the Lake Champlain Committee. Every effort will be made to reduce the cost of publication and at the same time not compromise editorial quality.

The board also approved an increase in Council dues effective July 1 and approved the appointment of a fund raising committee. It elected Mrs. Frederick Buechner of Pawlet to fill the unexpired term of Dr. Andrew Nelson, who resigned from the board in January and authorized the Council's executive director to coordinate member organization in a study of potential wilderness areas in the Green Mountain National Forests. It approved adding the Council's name to the friend-of-the-court brief in a suit being brought by the Sierra Club against the U.S. Environmental Protection Agency's Administrator concerning the establishment of clean air standards in certain parts of the nation having a higher quality of air than the federal standards presently prescribed.

ADIRONDACK PARK PLAN IN TROUBLE

Passage of the Adirondack Park Private Land Use and Development Plan probably will not come for at least another year. The plan would control land development on 3.5 million privately owned acres.

Two bills passed by both the House and Senate requiring a one year delay are in the hands of Governor Nelson Rockefeller. The Governor, a strong supporter of the plan, may be forced to sign the bills in order to insure the planning effort will continue.

The plan is opposed by most residents of the Adirondack region. The Adirondack Park Agency submitted the plan to the New York Assembly only after winning a court battle against 62 north county towns who tried to block its submission.

ENVIRONMENTAL HIGHLIGHTS DURING MARCH INCLUDED...

Montpelier - The Public Service Board announced the adoption of regulations designed to make new vacation homeowners in Vermont pay most of the cost of electric power connections to their homes. The decision will make customers pay the entire cost of their electricity hookup after the first 100 feet. The previous sliding scale-line extension policy meant the electric company paid most of hookup costs. These costs in turn were passed on to all company customers in the form of higher rates.

Wilmington - Vacation home developments are beginning to place increasingly heavy burdens on Vermont school systems. The problem will apparently increase continuously in the years ahead since more and more developments are being planned in Vermont and more and more vacation homeowners are moving into their Vermont houses on a full-time basis. The town manager of development-heavy Wilmington reported that students attending town schools from one development increased this year from three to 35. The school superintendent in the ski mecca known as the Mad River Valley also reported that his schools were reaching capacity much sooner than expected because of the impact from vacation home developments that are becoming year around residences.

Waterbury - Vermont's biggest land speculation firm is apparently selling out its Vermont holdings, according to a story in the Rutland Herald. The reason may be that the state environmental laws have prevented the company from making a quick buck on the 30,000 acres they own. The U.S. Forest Service announced it had purchased 2,100 acres from Laird Properties, a New England land syndicate. The price paid for the land on the Warren-Granville line located not far from the three Mad River Valley ski areas, was \$265 per acre, considerably less than top dollar for development land. Laird, still holding 20,000 acres, said that they sold the 2,100 acres to the federal government because they were interested in the future of Vermont.

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